

### REMARKS

At the outset, the applicant would like to thank Examiners Le and Korzuch for the helpful and courteous interview conducted with applicant's representatives Mr. Nishida, Mr. Ohashi, Mr. Yoshimura and Mr. Occhiuti.

The Examiner has provisionally rejected claims 1 and 2 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 2 of copending Application No. 09/717,771 (the '771 application). The Examiner has also provisionally rejected claims 3-6 and 8-10 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3-5 of the '771 application. Further, the Examiner has provisionally rejected claims 7, 11, and 13 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 7 of the '771 application. Finally, the Examiner has provisionally rejected claim 12 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 of the '771 application. As the Examiner states, these rejections are provisional obviousness-type double patenting rejections because the conflicting claims have not in fact been patented.

To address the provisional obviousness-type double patenting rejections, we are submitting herewith an unsigned terminal disclaimer that the applicant (or his representative) are prepared to execute if the '771 application proceeds to grant prior to allowance and grant of the claims in the instant application.

There being no other rejections, we submit that the application is now in condition for allowance, which action is requested.

If the Examiner would like to discuss this rejection and applicant's proposed terminal disclaimer he is invited to call the undersigned.

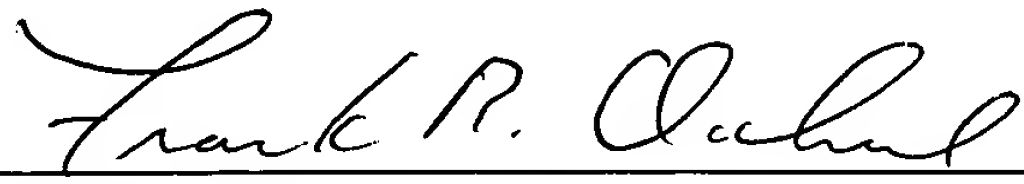
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Serial No. : 09/718,164  
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Attorney's Docket No.: 10449-  
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Respectfully submitted,

Date: January 27, 2005

  
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